

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 36

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAISUKE SAYA

Appeal No. 1999-0861
Application No. 08/916,413

HEARD: JANUARY 9, 2002

Before HAIRSTON, DIXON, and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 21.

The disclosed invention relates to a method and apparatus for driving a vibration motor at approximately a maximum starting torque, and for thereafter driving the vibration motor at approximately a target speed when the vibration motor enters a specific mode.

Appeal No. 1999-0861
Application No. 08/916,413

Appeal No. 1999-0861
Application No. 08/916,413

30), the final rejection (paper number 23) and the answer (paper number 29) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the 35 U.S.C. § 102(e) rejection of claims 1, 2, 4 through 8, 10 through 12, 19 and 20, and we will reverse the 35 U.S.C. § 102(e) rejection of claims 13 through 18 and 21, and the 35 U.S.C. § 103 rejection of claims 3 and 9.

Suganuma discloses an ultrasonic vibration motor that is controlled to "maximize the start torque" (column 30, line 7 through column 32, line 16).

Appellant argues (brief, page 6) that after the maximized starting torque is reached in Suganuma, the torque of the vibration motor is maintained constant, and the vibration motor is not controlled to reach a target speed.

Appellant's argument to the contrary notwithstanding, Suganuma clearly explains that after the vibration motor is started with the maximum start torque, the motor may be driven at a constant speed or it may be "accelerated under the

Appeal No. 1999-0861
Application No. 08/916,413

control maximizing the output" (column 30, lines 52 through 56). In other words, "the desired drive state may be suitably switched or varied in continuous manner" after the vibration motor is driven to its maximum start torque (column 30, lines 60 and 61). As an aside, we note that claims 1, 7, 19 and 20 on appeal do not preclude a "constant" torque. For these reasons, the 35 U.S.C.

§ 102(e) rejection of claims 1, 2, 4 through 8, 10 through 12, 19 and 20 is sustained.

The 35 U.S.C. § 102(e) rejection of claims 13 through 18 and 21 is reversed because we agree with appellant's argument (brief, page 8) that Suganuma does not teach driving the vibration motor to first and second maximum start torques.

The 35 U.S.C. § 103 rejection of claims 3 and 9 is reversed because we agree with appellant's argument (reply brief, page 2) that Suganuma neither teaches nor would have suggested "a storage unit which stores data indicating the relationship between drive frequency, torque and speed."

DECISION

The decision of the examiner rejecting claims 1, 2, 4 through 8 and 10 through 21 under 35 U.S.C. § 102(e) is

Appeal No. 1999-0861
Application No. 08/916,413

affirmed as to claims 1, 2, 4 through 8, 10 through 12, 19 and 20, and is reversed as to claims 13 through 18 and 21. The decision of the examiner rejecting claims 3 and 9 under 35 U.S.C. § 103 is reversed. Accordingly, the decision of the examiner is affirmed-in-part.

Appeal No. 1999-0861
Application No. 08/916,413

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-ART

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JOSEPH L. DIXON)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

KWH:hh

Appeal No. 1999-0861
Application No. 08/916,413

STAAS & HALSEY
700 ELEVENTH STREET, N.W.
SUITE 500
WASHINGTON, D.C. 20001